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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,446	12/12/2003	Seungyun Yoon	TN329	2038

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EXAMINER

NEWTON, JARED W

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,446

Applicant(s)

YOON ET AL.

Examiner

Jared W. Newton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18, 27, and 28 are rejected under the second paragraph of 35 U.S.C. 112 as indefinitely claiming the subject matter that the applicant regards as his invention.

In regard to the claims, the positive recitations render the above claims indefinite:

- “wherein the rack is comprised of a plurality of supports which combine to define a region for receiving the plurality of components which includes first portions for freely accessing the components, and second portions defining an area of limited access which is at least partially blocked by the supports of the rack” on line 3 of claim 18;
- “is located” on lines 17 and 22 of claim 18;
- “is supported” and “within” in claim 28;
- and “is located” in claim 27.

In particular, applicant functionally sets forth the rack and components in line 1 of claim 18 through the recitation “for mounting a component to a rack” and then applicant improperly seeks to link the functionally recited structure of the rack and components to the positive structure of the mounting plates. Thus, the metes and bounds of the claims referring to said rack, said components, or any portion of either, cannot be properly ascertained since one would not know whether the rack and components are being

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positively claimed. It appears that it is applicant's intention to positively claim the subcombination of the *fixture*, and thus the claims have been treated accordingly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Insomuch as the claims are understood in view of the 35 U.S.C. 112 rejections set forth above, claims 1-5, 10-13, 18-21, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,711,053 to Hafner.

Hafner discloses a hinge 2 comprising a first plate 3 and a second plate 4, wherein said first plate is pivotally connected to said second plate, so that, in a first position, the first plate is adjacent to and in substantial alignment with the second plate and in a second position, the first plate is rotated to an orientation which longitudinally projects from the second plate (see FIG. 7). Hafner further discloses said plates being connected by a hinge, wherein the hinge is positioned along lateral edges of the mounting plates (see FIG. 1). Hafner further shows substantially rectangular mounting plates 3,4 (see FIG. 1).

Insomuch as the claims are understood in view of the 35 U.S.C. 112 rejections set forth above, claims 1-5, 7, 10-13, 15, 18-21, 23, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 908,394 to Corbeille.

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Corbeille discloses a window assembly comprising a hinge (see FIG. 4), wherein said hinge comprises a first plate, a second plate, and a flange extending in a longitudinal direction from the bottom edge of said second plate. With reference to Figure 4, the first plate of said hinge to Corbeille is defined as the plate shown having a linear edge on its right hand side, and a hinged portion on its left hand side, said portion adapted to interlock with the hinged portion of said second plate, which is defined as having its hinged portion oriented on its right hand edge, opposite of a linear edge on the left hand portion thereof. Said flange is defined as an outward extending portion of said second plate, wherein when the second plate is oriented in a vertical plane, the flange portion is oriented in a horizontal plane, extending from a lower horizontal edge of said second plate. Corbeille further discloses an aperture within said flange as shown in Figure 4.

With respect to claims 1, 10, and 18, the applicant's limitations, "having a surface for receiving the component" and "having a surface for attachment to the rack are considered to be met by the Hafner and Corbeille references since the structure of the first and second plates of the hinges as disclosed by Hafner and Corbeille are capable of respectively attaching to a component and a rack. It is noted that the claim(s) do not positively require the component and rack. Hence, since the noted references could inherently hinge together a component and a rack, the references are considered to meet the functional limitations of the claim(s).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Insomuch as the claims are understood in view of the 35 U.S.C. 112 rejections set forth above, Claims 6-9, 14-17, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over '053 to Hafner as applied to claims 1-5, 10-13, 18-21, and 27-29 above, and further in view of U.S. Patent No. 6,523,223 to Wang.

Hafner discloses a hinge comprising all of the limitations of claims 1-5, 10-13, 18-21, and 27-29 as set forth above. Hafner does not disclose: (a) said first plate including a notch formed in an edge thereof, opposing said hinge (claims 6, 14, and 22); (b) said second plate further including a flange extending from a longitudinal edge thereof (claims 7, 15, and 23); (c) a locking mechanism coupled with the flange of said second plate (claims 8, 16, and 24); and (d) said locking mechanism including a tip extending through an aperture formed in said flange of said second plate (claims 9, 17, 25, and 26).

In regard to (a), Wang discloses a hinge comprising a notch, or recess 21 located in the first plate of said hinge, on an edge opposite of the hinge portion (see FIG. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the first plate of the hinge disclosed by Hafner with the notch as disclosed by Wang. The motivation for including a notch would be to allow for said hinge to be

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adaptable to various mounting surfaces, including surfaces containing protrusions to be received within the notch.

In regard to (b), (c), and (d), Wang further discloses a second plate of said hinge comprising an ear or flange 12 extending longitudinally from a lower edge of said second plate, wherein said flange comprises a locking mechanism in the form of an aperture 121 adapted to receive a locking device. Wang states, "A locking hole (121) is defined in the ear (12) parallel to the inner face of the [second] plate (10)." (see Column 3, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the flange and locking hole as disclosed by Wang on the hinge as disclosed by Hafner. The motivation for including said flange and locking mechanism would be to allow for the second plate of said hinge to be locked to a surface, which it is adjacent to or attached to. It would have been further obvious to one of ordinary skill in the art at the time of the invention to include a tip extending through said aperture as part of the locking mechanism. It is well known and obvious in the art to construct a locking mechanism by inserting a pin, spring, bolt, or other fastener through an aperture. The motivation for including an extending tip would be to allow for the locking mechanism to be easily engaged when said tip is extended, and easily disengaged when said tip is retracted.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- U.S. Patent No. 6,701,575 to Pakiak et al.
- U.S. Patent No. 6,086,033 to Calleja

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN
October 12, 2005



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER